

Notice of Allowability

Application No.

10/029,309

Examiner

Shay L Balsis

Applicant(s)

GREZ ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/20/01.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. 2004010.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>20040108</u> |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

MARK SPISICH
PRIMARY EXAMINER
GROUP 3400
1200

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ernestine Bartlett on January 8, 2004.

The application has been amended as follows to allow for consistency with terminology:

In the claims:

Claim 1, line 16, change "element" to -member-

Claim 1, line 17, add -member- after "spring"

Claim 1, line 19, add -element- after "switch"

Claim 2, line 1, delete "element"

Claim 5, line 3, change "a handle" to -the handle-

Claim 6, line 2, change "element" to -member-

Claim 6, line 3, add -portion- after "handle"

Claim 7, line 7, change "driver" to -driving-

Claim 7, line 9 change "the handle" to -a handle-

In the specification:

page 3, line 36, change "28" to -27-

page 3, line 37, change "28" to -27-

page 4, line 7, change "28" to -27-

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Change reference number for hinge from "28" to -27-. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

The following is an examiner's statement of reasons for allowance:

Claim 1 includes the limitation that there is a first and a second vibrating arm portion. A spring member and actuator connect the second arm portion to the first arm portion.

Meginniss, III et al. (USPN 5815872) teaches a first vibrating arm connected to a drive mechanism however fails to teach two vibrating arm portions connected by a spring member and an actuator nor would it have been obvious to combine references to achieve the claimed invention.

McDougall (USPN 5617601) teaches a first and second vibrating arm however they are not connected by a spring or an actuator nor would it have been obvious to combine references to achieve the claimed invention.

Matsui et al. (USPN 6140723) teaches a first arm connected to a drive mechanism however without a spring or an actuator.

Claim 7 includes the limitation that there is an arm portion and a drive assembly for moving the arm portion. A spring connects the drive assembly and the arm portion. Additionally, there is a nodal mount connecting the spring to a handle.

Uhlig (EP0481553) teaches an arm, a drive assembly and a spring to vibrate the handle is the pressure applied is too great however, the spring is not located between the arm and the drive assembly nor would it have been obvious to combine reference to achieve the claimed invention.

Hui (USPN 5732432) teaches an arm connected to a drive assembly by a spring however the spring is not connected to the handle to allow the handle to vibrate is the pressure is excessive.

Fritsch et al. (USPN 6588042) teaches an arm connected to a drive assembly. There is a spring that connects the drive assembly to the handle to reduce vibrations however the spring is not connected to the arm.

For the above reasons the application is free from the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Slb
1/8/04

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1700

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